

1
2
3
4
5
6
7
8 UNITED STATES DISTRICT COURT
9 NORTHERN DISTRICT OF CALIFORNIA – OAKLAND DIVISION
10

11 MONTE RUSSELL, on behalf of
12 himself and others similarly situated,

13 Plaintiff,

14 vs.

15 WELLS FARGO & COMPANY,

16 Defendants.
17
18
19
20
21
22
23
24
25
26
27
28

CASE NO. C 07-03993 CW

JUDGE CLAUDIA WILKEN
COURTROOM 2

**[PROPOSED] ORDER RE:
PLAINTIFF'S MOTION FOR
CONDITIONAL COLLECTIVE
ACTION CERTIFICATION
UNDER FLSA, 29 U.S.C. § 216(b),
AND FOR COURT-APPROVED
NOTICE OF FLSA CLAIMS**

Hearing Date: September 4, 2008
Time: 2:00 p.m.
Location: Courtroom 2

Complaint filed: August 2, 2007

Trial Date: None set

1 Plaintiff Monte Russell (hereinafter, "Plaintiff") has moved this Court
2 for Conditional Collective Action Certification and Notice, pursuant to the Fair
3 Labor Standards Act (hereinafter, "the Motion"). Defendant Wells Fargo Bank,
4 N.A. (hereinafter, "Defendant") opposed the Motion in part. The Motion was
5 heard on September 4, 2008, Judge Claudia Wilken presiding.

6
7 After consideration of the Motion, all pleadings filed in support and
8 opposition thereof, and the record in this matter, good cause appearing, the Court
9 hereby GRANTS Plaintiff's Motion in part and DENIES Plaintiff's Motion in part.
10 The Court orders and finds as follows:

- 11
12 1. Notice in the form proposed by Defendant is approved and shall be
13 sent to all current and former employees of Wells Fargo Bank,
14 N.A., who held the position of PC/LAN Engineer 3 or PC/LAN
15 Engineer 4, who have not previously received notice in this action,
16 who were paid a salary and treated as exempt from the laws
17 requiring overtime for some period of time after a date to be
18 determined based on the timing of the notice and the tolling
19 agreements that have been entered into between the parties;
20
- 21 2. Notice shall be distributed by Rust Consulting, a third-party
22 administrator, by first-class mail only. Defendant will provide
23 necessary contact information to Rust Consulting in order to
24 facilitate notice. The notice will provide for a 60-day opt-in period
25 – putative collective action members will have 60 days from the
26 date notice is sent to postmark their Consent to Join forms and
27 return them to Rust Consulting.
28

